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Dated: July 21, 2006

Signature:

Diane Blevins
(Diane Blevins)

Docket No.: 240042052403
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jeffrey S. GLENN

Patent No.: 6,627,610

Issued: September 30, 2003

Art Unit: 1647

For: METHOD FOR INHIBITION OF VIRAL
MORPHOGENESIS

Examiner: B. Brumback

REQUEST FOR RECONSIDERATION OF DECISION

RE: PATENT TERM ADJUSTMENT

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Decision on Patent Term Adjustment and Notice of Intent to Issue Certificate of Correction, mailed June 21, 2006, a response for which is due July 21, 2006. Applicant disagrees with the revised Patent Term Adjustment of zero days and reconsideration is respectfully requested.

The Office has assessed 100 days of applicant delay pursuant to 37 C.F.R. § 1.704(b) for the filing of a Request for Continued Examination (RCE) on June 13, 2002. The Office has determined that by filing the RCE, applicant has failed to engage in reasonable efforts to conclude processing or examination of the application. However, applicant's response should be deemed reasonable as ample evidence exists that applicant worked diligently to conclude examination of the application:

1. On February 5, 2002, applicant filed a response to the Final Office Action within the shortened 2-month statutory period instead of the set 3-month period allowed.

2. On February 13, 2002 and February 21, 2002 telephonic interviews were conducted to discuss the proposed amendments.

3. After receipt of an Advisory Action, dated March 4, 2002, applicant faxed a Request for Reconsideration, dated April 3, 2002, which included an amendment that applicant believed placed the claims in condition for allowance. Additionally, a telephonic interview was scheduled for April 9, 2002 and held on April 12, 2002.

4. On May 16, 2002, applicant participated in a telephonic interview with Examiner Brumback. Thereafter, applicant refaxed the initial Request for Reconsideration together with exhibits.

In order to conclude prosecution and place the claims in condition for allowance, applicant filed a RCE, mailed on June 5, 2002.

CONCLUSION


Applicant respectfully asks the office to reconsider the decision and not consider the date between filing the response to the Final Office Action and the date of the filing of the RCE as failure to engage in reasonable efforts to conclude processing or examination of the application.

In the event the office still believes that applicant failed to engage in reasonable efforts to conclude processing of examination of the application, in the alternative, the 100 days of alleged applicant delay should be reduced. On April 3, 2002 applicant submitted a Request for Reconsideration and the claims were issued without any further amendment. Therefore, at the very least applicant placed the application into form of allowance on April 3, 2002. Accordingly, the alleged applicant delay should only be 29 days, i.e., from the 3-month due date of March 5, 2002 to April 3, 2002.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.240042052403.

Dated: July 21, 2006

Respectfully submitted,

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